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Letter dated 27 January 2003 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

At the invitation of the President of the French Republic, a round table of Ivoirian political forces met at Linas-Marcoussis from 15 to 23 January 2003. The round table adopted a reconciliation agreement, of which I have the honour to transmit to you a copy herewith (see annex I).

A Conference of Heads of State on Côte d'Ivoire then met at Paris on 25 and 26 January 2003, under the co-chairmanship of the President of the French Republic, the Chairman of the African Union and the Secretary-General of the United Nations. The Conference adopted Conclusions, a copy of which is attached herewith (see annex II).

I should be grateful if you would have the text of this letter and its annexes circulated as a Security Council document.

(*Signed*) Jean-Marc de La Sablière
Permanent Representative of France to the United Nations

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Annex I to the letter dated 27 January 2003 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: English and French]

Linas-Marcoussis Agreement

1) At the invitation of the President of the French Republic, a Round Table of the Ivorian political forces met in Linas-Marcoussis from 15 to 23 January 2003. It brought together the following parties: FPI, MFA, MJP, MPCI, MPIGO, PDCI-RDA, PIT, RDR, UDCY and UDPCI. The conference was chaired by Mr. Pierre MAZEAUD, assisted by Judge Keba Mbaye, former Prime Minister Seydou Diarra and facilitators appointed by the UN, the African Union and ECOWAS.

Each delegation gave its analysis of the situation in Côte d'Ivoire and made proposals aimed at restoring confidence and overcoming the crisis. The vision shown by delegations enabled the Round Table to bring the positions together and arrive at the consensus described below, in which all elements – principles and annexes – have the same status:

2) The Round Table welcomes the cease-fire made possible and guaranteed by the deployment of ECOWAS forces supported by French forces, and demands strict compliance with it. The Round Table calls on all parties immediately to put a stop to all exactions and consecrate the peace. It calls for the immediate release of all political prisoners.

3) The Round Table reiterates the need to maintain the territorial integrity of Côte d'Ivoire and respect for its institutions and to restore the authority of the State. It recalls its commitment to the principle of democratic accession to and exercise of power. To this end it agrees as follows:

a- A Government of National Reconciliation will be set up immediately after the conclusion of the Paris Conference to ensure a return to peace and stability. It will be charged with strengthening the independence of the justice system, restoring the administration and public services and rebuilding the country. It will implement the appended Round Table program which includes, in particular, provisions in the constitutional, legislative and regulatory spheres.

b- It will prepare an electoral timetable with a view to holding credible and transparent elections and set dates for them.

c- The Government of National Reconciliation will be led by a consensus Prime Minister who will remain in office until the next Presidential election, in which he will not be able to stand as a candidate.

d- This government will be made up of representatives appointed by each of the Ivorian delegations taking part in the Round Table. In assigning Ministries a balance will be struck among the parties throughout the term of office of the government.

e- To discharge its duties the government will have executive powers in accordance with the delegation of authority provided for in the Constitution. The political parties represented in the National Assembly which took part in the Round Table undertake to guarantee the support of their Members of Parliament for the implementation of the government's programme.

f- The Government of National Reconciliation will, immediately upon taking office, attend to rebuilding an army committed to the values of integrity and republican morality. The government will restructure the defence and security forces and may, for this purpose, receive the counsel of outside advisers and in particular the assistance offered by France.

g- In order to contribute to restoring security of persons and property throughout the national territory, the Government of National Reconciliation will organise the regrouping and subsequent disarming of all forces. It will ensure that no mercenaries remain within the country's borders.

h- The Government of National Reconciliation will seek the help of ECOWAS, France and the United Nations to arrange for their forces to guarantee these operations.

i- The Government of National Reconciliation will take the necessary steps to ensure release and amnesty for all military personnel being held on charges of threatening State security and will extend this measure to soldiers living in exile.

4) The Round Table decides to set up a committee to monitor implementation of the Paris Agreements on Côte d'Ivoire in charge of ensuring compliance with commitments made. This committee will report to national, regional and international authorities all cases of obstruction of the Agreements and failure to apply them, to ensure that appropriate remedies are implemented.

The Round Table recommends to the Conference of Heads of State that the monitoring committee be set up in Abidjan and made up of representatives of the countries and organizations called on to guarantee implementation of the Paris Agreements, and in particular:
. the representative of the European Union,
. the representative of the Commission of the African Union,
. the representative of the Executive Secretariat of ECOWAS,
. the Special Representative of the Secretary-General who will co-ordinate UN bodies,
. the representative of the International Francophone Organization,
. the representatives of the IMF and the World Bank,
. a representative of the G8 countries,
. the representative of France.

5) The Round Table calls on the French government, ECOWAS and the international community to provide for the security of the persons who took part in it and if need be for that of the members of the Government of National Reconciliation until such time as the latter is in a position to fully perform this task.

6) The Round Table pays tribute to the mediation provided by ECOWAS and to the endeavours of the African Union and the UN, and thanks France for its role in organizing this meeting and achieving this consensus.

Done at Linas-Marcoussis, 23 January 2003

FOR THE FPI
Pascal AFFI N'GUESSAN

FOR THE MFA
Innocent KOBENA ANAKY

FOR THE MJP
Gaspard DELI

FOR THE MPCI
Guillaume SORO

FOR THE MPIGO
Félix DOH

FOR THE PDCI-RDA
Henri KONAN BEDIE

FOR THE PIT
Francis WODIE

FOR THE RDR
Alassane Dramane OUATTARA

FOR THE UDCY
Théodore MEL EG

FOR THE UDPCI
Paul AKOTO YAO

THE CHAIRMAN
Pierre MAZEAUD

Annex
Programme of the Government of National Reconciliation

I- Citizenship, identity, status of foreign nationals

1) The Round Table considers that Law 61-415 of 14 December 1961 on Ivorian citizenship, as amended by Law 72-852 of 21 December 1972, which is based on complementarity between jus sanguinis and jus soli and makes broad provision for naturalization by certificate issued by the public authorities, is a generous and well-drafted text.

The Round Table considers on the other hand that there are many difficulties in implementing the law, as a result either of lack of awareness among populations or of administration and police and security force practices which disregard the law and human rights.

The Round Table has observed a degree of legal difficulty in applying Articles 6 and 7 of the Citizenship Code. This difficulty is compounded by the fact that in practice the certificate of citizenship is valid for three months only and that the person holding it must prove his citizenship each time it is renewed by producing a number of documents. However, the Code has heretofore been applied.

Therefore the Government of National Reconciliation will:

a. immediately promote increased recourse to existing naturalization procedures, based on better information and possibly co-operation projects implemented with the support of international development partners;

b. submit, on an exceptional basis and within six months, a naturalization bill aimed at settling in a simple and accessible manner the cases of those persons deemed ineligible and considered to be in the country illegally (in particular cases concerning persons formerly covered by Articles 17 to 23 of Law 61-415 as repealed by Law 72-852 and persons residing in Côte d'Ivoire prior to 7 August 1960 who did not exercise their option within the prescribed deadline), and supplement the existing text by including in new Article 12 foreign men married to Ivorian women.

2) To cope with the uncertainty and slow pace of the identification process and with the mistakes and abuses to which security checks can give rise, the Government of National Reconciliation will take further action with respect to registration and identification of individuals, in particular:

a. Suspension of the current identification process pending decrees implementing the Law and timely establishment of a National Identification Commission, headed by a judge and made up of representatives of the political parties, to be charged with supervising and overseeing the National Identification Office.

b. Ensuring strict consistency of the Law on Identification with the Citizenship Code regarding proof of citizenship.

3) The Round Table finds that the foreign nationals residing in large numbers in Côte d'Ivoire have made a major contribution to national wealth and helped confer on Côte d'Ivoire its special position and responsibility within the sub-region, which has also benefited the countries of origin of these foreign nationals, and considers that the petty annoyances perpetrated by the administration and the police and security forces, which often disregard the law and human rights and which often affect foreign nationals, can be caused by wilful misapplication of identification provisions.

a. The Government of National Reconciliation will therefore immediately eliminate the residence permit requirement under Article 8 paragraph 2 of Law 2002-03 of 3 January 2002 for nationals of ECOWAS countries and will carry out the immigration inspection needed by using means of identification not subject to fraudulent misuse.

b. Moreover the Government of National Reconciliation will consider introducing legislative and regulatory provisions to improve the status of foreign nationals and protect their property and persons.

c. The Round Table also calls on all ECOWAS Member States to ratify, in a timely manner, the existing protocols concerning free circulation of persons and goods, to practice strengthened co-operation in controlling migratory flows, to respect the fundamental rights of immigrants and to diversify areas of development. These actions can be implemented with the support of international development partners.

II- Electoral system

1) The Round Table considers that Law 2000-514 of 1 August 2000 on the Election Code raises no difficulties and reflects efforts to improve the text of the laws and that Law 2001-634 of 9 January 2001 creating the Independent Electoral Commission constitutes significant progress in ensuring the organization of transparent elections.

2) The Government of National Reconciliation:

a. will ensure impartiality of the measures taken to identify voters and draw up voter lists;

b. will submit several amendments to Law 2001-634 aimed at achieving better representation of the parties taking part in the Round Table within the central committee of the Independent Electoral Commission, including its Officers;

c. will submit, within 6 months, a bill relating to the status of the opposition and to the public funding of political parties and election campaigns;

d. will submit within one year a bill on illicit personal enrichment and will organize effective inspection of the personal asset disclosures filed by those elected;

e. take all appropriate measures to ensure the independence of the justice system and the impartiality of the media with respect to both election disputes and election propaganda.

III- Eligibility to the Presidency of the Republic

1) The Round Table considers that Article 35 of the Constitution on the Election of the President of the Republic must avoid referring to concepts without legal content or deriving from legislation. The Government of National Reconciliation will therefore propose that the conditions governing eligibility to the Presidency of the Republic be laid down as follows:

"The President of the Republic is elected by universal suffrage to a five year term of office. He can be re-elected only once.
The candidate must be in possession of his civil and political rights and be at least thirty-five years of age. He must have only Ivorian citizenship and have a father or a mother born Ivorian."

2) The Citizenship Code will be amended by adding to the conditions under which Ivorian citizenship can be revoked, under Article 53, the following words: "holding elective office abroad or serving as a member of a foreign government".

3) The President of the Republic shall publish a report on his state of health once a year.

IV- Land tenure regime

1) The Round Table considers that Law 98-750 of 23 December 1998 on Rural Land Tenure, adopted unanimously by the National Assembly, constitutes a reference in a field that is legally difficult and economically crucial.

2) Nevertheless the Government of National Reconciliation:

a. will support the progressive implementation of this regime by carrying out a campaign to explain it to rural populations in such a way as to work toward true security of tenure.

b. will submit an amendment to better protect acquired rights under Article 26 of the law on heirs of landowners holding rights predating the enactment of the law but not fulfilling the conditions of ownership set out in Article 1.

V- Media

1) The Round Table condemns the incitement to hatred and xenophobia propagated by certain media.

2) The Government of National Reconciliation will within one year overhaul the general regime governing the press so as to strengthen the role of the regulatory authorities, guarantee neutrality and impartiality of the State broadcasters and foster the financial independence of the media. These measures may receive the support of international development partners.

3) The Government of National Reconciliation will immediately restore free broadcasting of the international radio and television media.

VI- Rights and freedoms of the individual

1) The Government of National Reconciliation will immediately set up a National Human Rights Commission to ensure protection of rights and freedoms in Côte d'Ivoire. The Commission will be made up of delegates of all Round Table parties and be chaired by a person accepted by all.

2) The Government of National Reconciliation will call for the establishment of an international board of enquiry to investigate and establish the facts throughout the national territory in order to identify cases of serious violations of human rights and international humanitarian law since 19 September 2002.

3) Based on the report by the international board of enquiry, the Government of National Reconciliation will determine which cases should be brought to justice in order to put an end to impunity. The Round Table particularly condemns the actions of the "death squads" and those giving them orders as well as those carrying out summary executions throughout the country, and considers that those guilty of and those aiding and abetting these acts must be brought to justice before an international criminal jurisdiction.

4) The Government of National Reconciliation will endeavour to facilitate humanitarian operations to aid the victims of the conflict throughout the country. Based on the report of the National Human Rights Commission, it will take steps to compensate and rehabilitate victims.

VII Regrouping, disarming and demobilizing

1) Immediately after assuming office, the Government of National Reconciliation will undertake the process of concomitant regrouping of the forces on the ground, under the supervision of ECOWAS and French forces.

2) In a second phase it will set out the measures to be taken with respect to disarming and demobilizing these forces, also under ECOWAS and French force supervision.

3) All recruits enlisted after 19 September will be immediately demobilized.

4) The Government of National Reconciliation shall ensure the social reintegration of military personnel of every origin with the help of Disarmament - Demobilization – Repatriation – Resettlement – Reintegration (DDRRR) type programmes which can be implemented with the support of international development partners.

5) The Government of National Reconciliation will take the necessary steps to ensure the release and amnesty of all military personnel detained on charges of threatening State security and will extend the benefit of these measures to soldiers living in exile. The amnesty law will under no circumstances mean that those having committed serious economic violations and serious violations of human rights and international humanitarian law will go unpunished.

6) The Government of National Reconciliation will carry out an audit of its armed forces and determine, in a difficult economic context, the level of sacrifice which it can accept in order to meet its obligations with respect to national defence. It will on that basis restructure the armed forces and request, for this purpose, outside assistance.

VIII- Economic recovery and the need for social cohesion

1) The Government of National Reconciliation will restore free circulation of persons and goods throughout the national territory and facilitate the resumption of educational, administrative, economic and social activity.

2) It will prepare, in a timely fashion, a plan for infrastructure reconstruction and development, national economic recovery and strengthening of social cohesion.

3) The Round Table recommends to international institutions and international development partners that they provide support for the process of rebuilding Côte d'Ivoire.

IX- Implementation

The Government of National Reconciliation will ensure that the constitutional, legislative and regulatory reforms arising from the decisions it is required to make are introduced without delay.

Annex II to the letter dated 27 January 2003 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council

[Original: French]

Conclusions of the Conference of Heads of State on Côte d'Ivoire (Paris, 25 and 26 January 2003)

1. At the invitation of the President of the French Republic, Mr. Jacques Chirac, the heads of State of Benin, Burkina Faso, Cameroon, Cape Verde, Côte d'Ivoire, Gabon, Ghana, Liberia, Mali, Senegal, and South Africa, representatives of the heads of State of Angola, the Gambia, Guinea, the Niger, Nigeria, Sierra Leone and Togo, the Secretary-General of the United Nations, Mr. Kofi Annan, representatives of the States members of the European Union, the President of the European Commission, Mr. Romano Prodi, the High Representative for the Common Foreign and Security Policy (CFSP), Mr. Javier Solana, and the President of the International Organization of la Francophonie, Mr. Abdou Diouf, and representatives of the United Nations Development Programme (UNDP), the World Bank, the International Monetary Fund (IMF), the African Development Bank (ADB), the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and the Community of Sant'Egidio met at Paris on 25 and 26 January 2003 to consider and adopt the reconciliation agreement concluded by the political forces of Côte d'Ivoire at Linas-Marcoussis and to offer their support for its proper implementation.

2. The Conference was chaired jointly by the President of the French Republic, Mr. Jacques Chirac, the Chairman of the African Union and the Secretary-General of the United Nations.

3. The Conference heard statements by President Mbeki, in his capacity as current Chairman of the African Union, President Wade, in his capacity as Chairman of the Economic Community of West African States (ECOWAS), President Gbagbo, President of Côte d'Ivoire, and the Secretary-General of the United Nations.

4. The Conference took note of the Agreement signed at Linas-Marcoussis on 24 January 2003 by the round table of Ivorian political forces, which was submitted to it by Mr. Pierre Mazeaud. It commended the participants for the loftiness of their vision and for their sense of responsibility.

5. The Conference pays a tribute to the efforts and initiatives of ECOWAS, the African Union and the United Nations, which paved the way for the Linas-Marcoussis Agreement. It commends the personal efforts of President Wade and President Eyadéma, which laid the groundwork for a peace agreement. It welcomes the constant support shown for these undertakings by the Chairman of the African Union and the Secretary-General of the United Nations.

6. The Conference endorses the Agreement concluded at Linas-Marcoussis by the round table, which establishes national reconciliation and paves the way for a return to peace in Côte d'Ivoire with respect for the constitutional order.

7. The Conference welcomed the announcement by President Gbagbo of the establishment of a Government of National Reconciliation, as called for in the

Linas-Marcoussis Agreement. It took note of the fact that, after consultation with the Ivorian political forces, the Government is to be headed by Mr. Seydou Diarra, Prime Minister-designate, and constituted in accordance with the criteria recommended in the Linas-Marcoussis Agreement for ensuring a balance.

8. The Conference stresses the need to implement the provisions of the Agreement promptly. In particular, it calls upon the Government of National Reconciliation, once constituted, to begin to put the programme of implementation for the Agreement into effect immediately.

9. The Conference decides to support the establishment of a committee to monitor the Agreement, to be constituted immediately at Abidjan. It confirms that this Monitoring Committee shall be entrusted with monitoring the implementation of the provisions of the Agreement and shall be empowered to invoke any national, regional or international authority in the event of obstruction or failure so that appropriate steps can be taken. The Monitoring Committee shall be specifically empowered to bring any instances of failure to implement the Agreement to the attention of the United Nations Security Council through the appropriate channels so that the Council may draw the appropriate conclusions and take the necessary decisions.

10. The Conference decides that the Monitoring Committee shall consist of the following members:

- The Special Representative of the Secretary-General of the United Nations in Abidjan, who shall coordinate the representation of the bodies of the United Nations system;
- The representative of the ECOWAS secretariat;
- The representative of the Commission of the African Union;
- The representative of the country occupying the Presidency of the European Union;
- The representative of the European Commission;
- The representative of IMF;
- The representative of the World Bank;
- A representative of the Group of 8;
- The representative of the International Organization of la Francophonie;
- The Ambassador of France to Côte d'Ivoire;
- A military adviser representing the countries involved in bringing the crisis to an end.

11. The Conference expresses the hope that the Chairman of the Monitoring Committee will be the Special Representative of the Secretary-General of the United Nations. It requests that the Committee meet regularly and report to the bodies it represents on the implementation of the Agreement.

12. The Conference calls upon the Government of National Reconciliation to give high priority to respect for civil liberties and personal security; it calls upon the

United Nations High Commissioner for Human Rights to provide all possible support to the Ivorian Government in this area through appropriate means.

13. The Conference affirms the importance of support from the States members of ECOWAS and the United Nations in restoring peace and security in Côte d'Ivoire. It expresses its gratitude to ECOWAS and France for having committed troops to participate in the military and security effort, and welcomes the adoption of the statement issued by the President of the United Nations Security Council on 20 December 2002, which endorsed that deployment.

14. The heads of State invite the Secretary-General of the United Nations and the participating States that are also members of the United Nations Security Council to arrange to have the conclusions of the Conference endorsed by the Council. The Conference expresses the hope that the Security Council will affirm, in accordance with the Charter of the United Nations, the right of the ECOWAS forces and the forces supporting them to take the necessary steps to ensure the security and freedom of movement of their personnel and to ensure, without prejudice to the responsibilities of the Government of National Reconciliation, the protection of civilians immediately threatened with physical violence within their zones of operation, using the means available to them. The Conference also invites the Secretary-General of the United Nations to submit to the Security Council proposals for strengthening the presence of the United Nations system, particularly in the area of security, humanitarian assistance and human rights.

15. The Conference recommends that the Secretary-General of the United Nations submit to the Security Council recommendations for the deployment of civilian and military observers who will help to supervise the implementation of the Agreement throughout Côte d'Ivoire.

16. The Conference requests that the Government of National Reconciliation facilitate the deployment of ECOWAS forces and French support forces throughout Côte d'Ivoire with a view to promoting the implementation of the military regrouping and disarmament measures provided for in the Agreement.

17. The Conference wishes to recall the importance of the principles of good-neighbourliness, non-interference and regional cooperation. Accordingly, it calls upon all States that are neighbours of Côte d'Ivoire to support the peace process by preventing any action that might undermine the security of Côte d'Ivoire.

18. The Conference expresses its concern at the deterioration in the humanitarian situation; it requests that greater resources be mobilized to ensure that humanitarian assistance reaches its intended recipients and that refugees and displaced persons are afforded protection. It expects that the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights and ICRC will continue to work to this end.

19. The Conference deplores the extent of the damage occasioned by the duration of the crisis, not only to the economy of Côte d'Ivoire but to the economies of the countries of the region. It encourages the Government of National Reconciliation to prepare an economic and social recovery programme, as called for in the Agreement. It urges IMF, the World Bank, the African Development Bank, the European Union and bilateral donors to contribute to this recovery by making their expertise and financial resources available to the Government of National Reconciliation. The Monitoring Committee shall transmit all useful

recommendations to donors so that their contributions may be effectively utilized in the effort to restore peace and stability.

20. In concluding its work, the Conference expresses its conviction that the Linas-Marcoussis Agreement will lead to national reconciliation and a return to stability. It believes that only mutual trust among all the parties will allow the Government of National Reconciliation to accomplish its task. For their part, the Conference participants intend to do all they can to help Ivorians uphold the commitments they have undertaken to bring peace and prosperity to Côte d'Ivoire.